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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,895

01/21/2004

Boris Y. Tsirlin

3042

1894

31424

7590

11/17/2005

BABCOCK IP LLC
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EXAMINER

LE, UYEN CHAU N

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,895

Applicant(s)

TSIRLINE ET AL.

Examiner

Uyen-Chau N. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-16 and 27-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-16 and 27-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>111205</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/04</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group II, claims 10-16 and 27-35 in the reply filed on 27 October 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Objections

2. Claims 10-16, 27 and 29-31 are objected to because of the following informalities:

Re claim 10, line 9: Substitute "a single transponder" with -
- the single transponder --.

Re claim 11, line 1: Substitute "claim 9" to -- claim 10 --.

Re claim 12, line 5: Substitute "an transponder" with -- said
transponder --.

Re claim 12, line 10: Substitute "a single transponder" with
-- said single transponder --.

Re claim 13, line 1: Substitute "claim 11" with -- claim 12 -
-.

Re claim 14, line 1: Substitute "claim 12" with -- claim 13 -
-.

Art Unit: 2876

Re claim 15, line 1: Substitute "claim 11" with -- claim 12 -

-.

Re claim 16, line 1: Substitute "claim 11" with -- claim 12 -

-.

Re claim 27, line 13: Substitute "andc)" with -- and c) --.

Re claim 29, line 1: Substitute "an transponder" with -- a transponder --.

Re claim 30, line 1: Substitute "an transponder" with -- a transponder --.

Re claim 31, line 1: Substitute "an transponder" with -- a transponder --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a),

Art Unit: 2876

the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 10-16, 27-30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petteruti et al (US 6409401 B1) in view of Wuidart et al (2002/0003498).

Re claims 10-16, 27-30 and 35: Petteruti et al discloses a system comprising an antenna 23 and RFID encoder 22, which serves as a transceiver adapted to communicate with a single transponder 16a located in a predetermined transponder operating region; the system configured to establish at predetermined transceiver power levels a mutual coupling which is selective exclusively for the single transponder located in the transponder operation region; transporting a web of labels through the transponder operating region, at least some of which labels have an RFID transponder, and wherein the method includes printing on said labels via print head 18; incrementally advancing the transponder within the

Art Unit: 2876

transponder operating region, if the transponder is located at a field strength gap of the transponder operating region (i.e., via gap sensor 29); positioning a transponder in a transponder operating region with a transponder axis oriented along a predetermined direction (i.e., printing direction), the smallest dimension of the transponder in the predetermined direction being significantly less than a dimension of the transponder operating region in the predetermined direction (figs. 1-2; col. 2, line 46 through col. 4, line 32).

Petteruti et al is silent with respect to a near field coupler having an array of a plurality of lines electrically connected in parallel.

Wuidart et al teaches an antenna 30, which serves as a near field coupler, having a parallel connection of inductances [L11-L14] that is utilized in transponder read/write systems (fig. 3B; paragraphs [0002, 0004, 0014, 0018-0020, 0037, 0043 and 0060]).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ the parallel inductances of Wuidart et al into the system as taught by Petteruti et al in order to enhance the range and/or the signal level available at a given distance from the read/write transponder terminal. Furthermore, such modification would

Art Unit: 2876

improve homogeneity of the magnetic field generated by the transponder read/write terminal.

6. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petteruti et al as modified by Wuidart et al as applied to claims 10, 12 and 27 above, and further in view of Meier (US 5,294,931). The teachings of Petteruti et al as modified by Wuidart et al have been discussed above.

Re claims 31-34: Petteruti et al/Wuidart et al has been discussed above but is silent with respect to confirming a valid communication; determining the power level operationally effective to communicate with the transponder; respectively.

Meier teaches a single interrogation device interrogates a plurality of transponders arranged within the range of transmission of the interrogation device and identifies them without any mutual interference comprises determining the power level operationally effective to communicate with each transponder to confirm a valid communication (col. 2, line 30 through col. 3, line 10).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Meier into the system as taught by Petteruti et al/Wuidart et al in order to provide Petteruti et al/Wuidart et al with the ability of confirming a valid communication base on a

Art Unit: 2876

determined power level, preventing interference and thus providing a more accurate system.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Serra (US 5587578 A); Heredia et al (US 6327972 B1); Murata (JP 2003132330 A); Barrett et al (US 6593853 B1); Hohberger et al (US 6857714 B2); Barrus et al (US 6929412 B1) are cited as of interest and illustrate a similar structure to spatially selective UHF near field microstrip coupler device and RFID systems using device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on First Monday 5:30AM-1:30PM and Tues-Fri 5:30AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le
Examiner
Art Unit 2876

November 12, 2005